

**SENATE . . . . . No. 1837**

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**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act authorizing the Division of Capital Asset Management and Maintenance to grant an easement upon land of the Commonwealth located in the town of Ware to the Massachusetts Water Resources Authority.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the granting of an easement essential for further developing additional sources of water supply of the metropolitan water system, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Notwithstanding sections 32 to 36, inclusive, of chapter 7C of the General  
2 Laws or any other general or special law to the contrary, the commissioner of capital asset  
3 management and maintenance, in consultation with the commissioner of conservation and  
4 recreation, may grant a permanent exclusive easement to the Massachusetts Water Resources  
5 Authority, for the right to enter, use, improve, operate, maintain and manage the easement area  
6 as a portion of the waterworks system, both existing and future, in accordance with chapter 372  
7 of the acts of 1984 and as the easement area is more particularly defined in section 2. The parcel  
8 of land upon which the easement is to be granted was acquired by the commonwealth for the  
9 purpose of adding to, extending and further developing the additional sources of water supply of  
10 the metropolitan water system.

11           SECTION 2. The easement area authorized in section 1 shall be as follows:

12           An area containing 129,128+ square feet, or 2.96+ acres and shown as “Easement Parcel  
13 A” on a plan entitled, “Massachusetts Water Resources Authority; Easement Acquisition Plan,  
14 Ware Disinfection Facility, Ware, Massachusetts”, dated February 2, 2012, by Verde Survey  
15 Solutions, Inc., 100 Hallet Street, Boston, MA 02124”. The area is described as follows:

16 Beginning at point along the westerly line of Belchertown Road, marked by a concrete  
17 bound with a drill hole, said westerly line being a curved line having a radius of 1160.00 feet,  
18 thence running in a generally southwesterly direction along said curve for a length of 180.25 feet  
19 to a point at the end of the curved line, meaning and intending to be the westerly line of  
20 Belchertown Road (Route 9, Massachusetts State Highway Layout No. 2938), thence, turning  
21 and running S43 degrees 18'42"W for a distance of 302.22 feet along said westerly line of  
22 Belchertown Road to a corner, thence, running N46 degrees 41'18"W for a distance of 86.33 feet  
23 to a corner, thence turning and running N03 degrees 08'15"W for a distance of 341.42 feet to a  
24 corner, thence turning and running N63 degrees 21'36"E for a distance of 288.28 feet to a  
25 corner, thence turning and running N27 degrees 24'42"W for a distance of 23.00 feet to a corner,  
26 thence, turning and running N62 degrees 35'18"E for a distance of 50.00 feet to a corner, thence  
27 turning and running S27 degrees 24'42"E for a distance of 239.61 feet to the point of beginning.

28 SECTION 3. No easement instrument executed under section 1 shall be valid unless it  
29 provides that the easement conveyed shall be used solely for, as the case may be, entering, using,  
30 improving, operating, maintaining and managing the easement area as a portion of the  
31 waterworks system, both existing and future, in accordance with chapter 372 of the acts of 1984.

32 The easement granted under this act shall be granted upon property under the control of  
33 the department of conservation and recreation and the use of the easement by the Massachusetts  
34 Water Resources Authority shall not unreasonably interfere with the department's use of the  
35 abutting land under its control, including use by the public. The grant of the easement shall  
36 include a reversionary clause that states that the easement shall revert to the commonwealth and  
37 be extinguished, upon such terms and conditions as the commissioner of capital asset  
38 management and maintenance may determine, if the easement ceases to be used for the purposes  
39 for which it was granted.

40 Notwithstanding any general or special law to the contrary, if the easement area ceases to  
41 be used, at any time, for the purposes of this act or is used for any purpose other than the public  
42 purposes stated in this act, the commissioner of capital asset management and maintenance shall  
43 give written notice to the Massachusetts Water Resources Authority of such non-use or  
44 unauthorized use. The Massachusetts Water Resources Authority, upon receipt of the notice,  
45 shall have 90 days to respond and a reasonable time to establish an authorized use of the  
46 easement area or to re-establish the former public use.

47 SECTION 4. The consideration for the easement authorized in this act, and as a  
48 condition precedent to the granting of the easement by the commonwealth, shall be the continued  
49 funding by the Massachusetts Water Resources Authority of the watershed protection activities  
50 of the department.

51 SECTION 5. The Massachusetts Water Resources Authority shall be responsible for all  
52 costs and expenses incurred or required to be incurred by it including, but not limited to, costs

53 associated with any engineering or surveys or other necessary due diligence in connection with  
54 the authority's use of the easement granted under this act.